

Appl. No. 108672,414
Docket No. 9369
Amdt. dated May 7, 2008
Reply to Office Action mailed on March 24, 2008
Customer No. 27752

REMARKS

Claim Status

Applicants acknowledge the withdrawal of the rejections under 35 USC §112, first paragraph, and under 35 USC §103(a) over U.S. Patent No. 4,325,768.

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that an article of manufacture comprising a fibrous structure product is packaged within an exterior package comprising a non-verbal cue that communicates a characteristic of the fibrous structure product. Support for the amendment is found throughout the Specification, especially at page 7, lines 3-5 and in the Claims, as originally filed.

Claims 2-3, 7-9 and 19-20 have been amended to be consistent with Claim 1, as amended.

Claims 6 and 10 have been cancelled without prejudice.

Claims 1-3, 7-9, and 19-20 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(b) Over WO 98/50482

Claims 1-3 and 19-20 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by WO 98/50482 ("482") to The Procter & Gamble Company (P&G). The Examiner asserts that '482 discloses a multiply absorbent article with pigmented adhesive positioned between the two plies that is formed of cellulosic fibers.

Applicants respectfully submit that '482 fails to teach each and every element of Claim 1, the independent claim, as amended, because '482 fails to teach a fibrous structure product comprising the claimed ingredients and/or a package housing its

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absorbent article, wherein the package comprises a non-verbal cue that communicates a characteristic of its absorbent article.

Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by '482. Further, Applicants submit that Claims 2-3 and 19-20, which ultimately depend from Claim 1, as amended, are not anticipated by '482.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 6,684,641

Claims 1-3 and 19-20 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,684,641 to Murphy ("Murphy"). The Examiner asserts that Murphy discloses a laminated (with colored adhesive) creped tissue providing a pattern of visible coloration.

Applicants respectfully submit that Murphy fails to teach each and every element of Claim 1, the independent claim, as amended, because Murphy fails to teach a fibrous structure product comprising the claimed ingredients and/or a package housing its tissue, wherein the package comprises a non-verbal cue that communicates a characteristic of its tissue.

Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Murphy. Further, Applicants submit that Claims 2-3 and 19-20, which ultimately depend from Claim 1, as amended, are not anticipated by Murphy.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 5,503,076

Claims 1-3 and 19-20 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 5,503,076 to Yeo ("Yeo"). The Examiner asserts that Yeo discloses a multicolored printed laminate, wherein the laminate includes fibrous webs attached by a plurality of discrete colored adhesive in emboss pattern.

Applicants respectfully submit that Yeo fails to teach each and every element of Claim 1, the independent claim, as amended, because Yeo fails to teach a fibrous structure product comprising the claimed ingredients and/or a package housing its tissue, wherein the package comprises a non-verbal cue that communicates a characteristic of its tissue.

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Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Yeo. Further, Applicants submit that Claims 2-3 and 19-20, which ultimately depend from Claim 1, as amended, are not anticipated by Yeo.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 3,672,949

Claims 1-3 and 19-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 3,672,949 to Brown (“Brown”). The Examiner asserts that Brown discloses a laminated creped tissue comprising adhesive applied in a pattern of discrete spots.

Applicants respectfully submit that Brown fails to teach each and every element of Claim 1, the independent claim, as amended, because Brown fails to teach a fibrous structure product comprising the claimed ingredients and/or a package housing its tissue, wherein the package comprises a non-verbal cue that communicates a characteristic of its tissue.

Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Brown. MPEP 2143.03. Further, Applicants submit that Claims 2-3 and 19-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Brown. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over WO 98/50482 or U.S. Patent Nos. 3,684,641, 5,503,076 or 3,672,949 each in view of U.S. Patent Publication No. 2004/0118530

Claim 21 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over '482, Murphy, Yeo or Brown, all discussed above, each in view of U.S. Patent Publication No. 2004/0118530 to Kressner, et al (Kressner).

Applicants respectfully submit that this rejection is now moot in light of the cancellation of Claim 21.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

in view of U.S. Patent No. 4,325,768

Claim 1-3, 6-10, and 19-21 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 6,221,211 to Hollenberg, et al. (“Hollenberg”) in view of U.S. Patent No. 4,325,768 to Schulz (“Schulz”). The Examiner asserts that Hollenberg teaches a multi-ply tissue product containing indicia to indicate the presence of some unique ingredients within the tissue product. The ingredients may include emollients, moisturizers, softening agents, menthol (aromatherapy), cleansing agents and fragrance. The Examiner recognizes that Hollenberg fails to teach an embossment within its tissue product. The Examiner attempts to overcome the deficiencies of Hollenberg by combining the teachings of Schulz with the teachings of Hollenberg. The Examiner asserts that Schulz teaches a laminated creped fibrous web with an embossed pattern.

Applicants respectfully submit that Hollenberg in view of Schulz fails to teach each and every element of Claim 1, the independent claim, as amended, because Hollenberg and Schulz fail to teach a fibrous structure product that is housed in an exterior package comprising a non-verbal cue that communicates a characteristic of the fibrous structure product as claimed.

Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Hollenberg in view of Schulz. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 7-9 and 19-20 (Claims 6, 10 and 21 have been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg in view of Schulz. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211 in view of U.S. Patent No. 4,325,768 and further in view of U.S. Patent Publication No. 2004/0118530

Claim 21 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hollenberg in view of Schulz, both discussed above, in view of U.S. Patent Publication No. 2004/0118530 to Kressner.

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Applicants respectfully submit that this rejection is now moot in light of the cancellation of Claim 21.

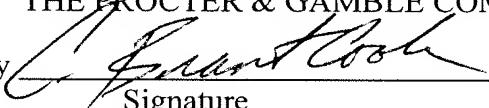
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



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